

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

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FILE: B-216395

DATE: September 27, 1984

MATTER OF: Software Automation Corporation

DIGEST:

Protest against proposed award of contract to domestic firm which allegedly intends to subcontract to British firm is dismissed since there is no federal law or regulation preventing domestic firm which subcontracts work to foreign firm from competing on government contracts.

Software Automation Corporation (SAC) protests the proposed award of a contract to Advanced Technology Systems (ATS) under request for proposals (RFP) No. 84-01, issued by the Institute for Defense Analysis. SAC asserts that ATS, an American firm, intends to subcontract the work to a British firm using British citizens. SAC argues that British citizens will be "taking American jobs." The protester contends that under such circumstances, ATS should not receive the award.

We dismiss the protest.

Neither federal law nor regulation prevents foreign firms or domestic firms which subcontract all or part of the work to foreign firms from submitting offers on government procurements. See Dawson Construction Company, Inc., B-214070, Feb. 8, 1984, 84-1 C.P.D. ¶ 160. Rather, federal law seeks merely to equalize the competitive advantage which a foreign firm or a firm substantially using foreign sources may possess. See Buy American Act, 41 U.S.C. §§ 10a-d (1982); Omega Machine Co., B-204471, Dec. 3, 1981, 81-2 C.P.D. ¶ 441. In the absence of any specific allegation concerning how the provisions of the Buy American Act or implementing regulations may have been violated, we will not consider the protest.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel

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